

## **REMARKS**

The Office Action dated November 14, 2008 has been fully considered by the Applicant.

Enclosed is a Petition for Three-Month Extension of Time. Also, enclosed is a check in the amount of \$1110 to cover the government fee.

Independent claims 1, 7 and 14 have been currently amended. Support for the amendments can be found on Pages 5-9 of Applicant's specification. Dependent claim 6 has been incorporated into currently amended claim 1. Claims 2-5, 8-13, and 15-16 have been previously presented. Claim 6 has been cancelled.

Claims 1-16 rejected under 35 USC § 112, first paragraph, are traversed herein.

Independent claims 1, 7, and 14 have been currently amended to delete the subject matter not described in the specification.

In addition, independent method claim 1 has been currently amended to clarify that the automatic gain control converters have one switch filter and that a portion of the broadcast signal which content is measured is the data used to generate the audio and/or video at the receiver locations for display.

This step is not taught or suggested in the European Patent Application No. 0798875 to Kaku et al. In the Kaku et al application, the output signal from the roll off filter 3 may be presented to both the signal processing unit 15 and the line equalization control unit 16, each of these units uses only the appropriate portions of the signal depending on the unit function. Thus, the signal processing unit 15 recovers the audio/video broadcast signal and does not use the superimposed tones, whereas the line equalization control unit 16 uses the superimposed tones but not the portion of the signal used to generate audio/video, as Examiner Wang indicated in the Office Action dated 17 April 2008.

Thus, the Kaku et al application teaches that the portion of the signal which is measured to determine the signal power level consists of the superimposed tones, not the portion of the signal including the audio/video data.

In contrast, in Applicant's invention the portion of the broadcast data signal which content is measured is the data transmission signal used to generate the audio and/or video.

In addition, claim 1 has been further amended to include the step of utilizing, if required, a relative signal strength for installation of the broadcast data receiver instead of an absolute signal strength.

In the Kaku et al application, the line equalizer is controlled based on the value and the magnitude thereof obtained by comparing the tone signals with the reference value and the values thereof. Moreover, differences in the levels between the extracted plural tone signals is calculated. (See Col. 8, lines 25-30)

However, the user of Applicant's invention has the ability, if required, to utilize a relative broadcast data signal strength for installation of the broadcast data receiver and does not have to rely on having superimposed tone signals for calculation purposes.

Independent claim 7 has been currently amended to further clarify that the portion of the broadcast data signal which is measured is the data used to generate the audio and/or video at the receiver location for display. Applicant believes that currently amended claim 7, along with dependent claims 8-13, is not taught or suggested in the Kaku et al application for the same reasons as stated above.

Independent method Claim 14 has been currently amended to further clarify that the data from which the audio and/or video is generated at the receiver locations for display is also used for the measurements.

Applicant believes that currently amended claim 14 is not taught or suggested in the Kaku et al application for the same reasons as set forth herein above with reference to claim 1.

It is believed that the application is now in condition for allowance and such action is earnestly solicited. If any further issues remain, a telephone conference with the Examiner is requested. If any further fees are associated with this action, please charge or refund Deposit Account No. 08-1500.

Respectfully Submitted

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